

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, December 28, 2021.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 5, 2022, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Dick Campbell, Tracy Corr, Maribel Cruz (arrived at 1:06 p.m.), Gloria Eddins, Tracy Edgerton, Cristy Joy, Rich Rodenburg and Cindy Ryman Yost; (Lorenzo Ball absent). David Cary, Steve Henrichsen, Brian Will, Benjamin Callahan and Shelli Reid of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Edgerton requested a motion approving the minutes for the regular meeting held December 15, 2021. Motion for approval of the minutes made by Campbell, seconded by Joy and carried 7-0: Campbell, Corr, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Cruz absent at time of vote; Ball absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

JANUARY 5, 2022

Members present: Campbell, Corr, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Ball and Cruz absent.

The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 21003, Change of Zone 21052, Special Permit 18003B, Special Permit 21049, Special Permit 21052 and Special Permit 21055.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Item 1.5 - Special Permit 21055 was removed from the Consent Agenda at the request of an audience member and scheduled for separate public hearing and action.

Corr moved approval of the remaining Consent Agenda items, seconded by Campbell and carried 7-0: Campbell, Corr, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Cruz absent at time of vote; Ball absent.

Note: This is Final Action on Special Permit 18003B, Special Permit 21049 and Special Permit 21052 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Commissioner Cruz arrived at 1:06 p.m.

Chair Edgerton called for **Requests for Deferral**.

ANNEXATION 21010

TO ANNEX APPROXIMATELY 41.99 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 70TH STREET AND YANKEE HILL ROAD

AND

CHANGE OF ZONE 21053

FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) PUD (PLANNED UNIT DEVELOPMENT) FOR THE MARKET POINTE PUD FOR UP TO 120,000 SQUARE FEET OF COMMERCIAL FLOOR AND UP TO 464 MULTIPLE-FAMILY DWELLING UNITS WITH ADJUSTMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 70TH STREET AND YANKEE HILL ROAD

BEFORE PLANNING COMMISSION:

January 5, 2022

Members present: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Ball absent.

The Clerk noted that the applicant had requested a deferral on Items 4.1a and 4.1b – Annexation 21010 and Change of Zone 21053 – for two weeks to the regular Planning Commission hearing on January 19, 2022.

Corr moved to grant the request for a 2-week deferral for public hearing and action on January 19, 2022, seconded by Campbell and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting ‘yes’; Ball absent.

SPECIAL PERMIT 21055

**TO ALLOW FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES, ON PROPERTY
GENERALLY LOCATED AT 2645 'O' STREET**

PUBLIC HEARING:

January 5, 2022

Members present: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Ball absent.

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation: Brian Will, Planning Department, 555 S. 10th Street, Lincoln, NE, pointed out the property location on a map. It is on the southwest corner of 27th St. and 'O' St. This would be for a special permit for off-sale alcohol. Two things are required to sell alcohol in the State of Nebraska, a license and a special permit. This property met all the conditions and criteria including a 100-foot separation from residences. This is currently a retail store. A letter from the applicant states they would like to offer alcohol in addition to their current sales of vaping products.

Corr noted the staff report made mention of a childcare facility located nearby. She inquired if the childcare is in the same building as this, located to the west. Will pointed out the location on a map. The location of the childcare to the proposed facility is more than 100 feet. Corr wondered what happens if a special permit for alcohol is approved and another use goes in where the childcare is currently located. She asked if there is any effect on the special permit at that point. Will responded no. The risk is on the new tenant at that point. It could affect any future expansion as well. Once this applicant is there, they are valid under the special permit.

Applicant:

Nick Glasz, 2704 'Y' Street, Lincoln, NE appeared on behalf of Viet Nguyen. He considers this a blighted area. During the Black Lives Matter rallies, the windows were broken and vandalized. He has a new tenant now. These spaces are all separated with internal walls. He realizes there may be some pushback against another alcohol and tobacco shop, but this is 'O' Street. He believes 'O' Street is for retail. This is a lawful business. He is asking for approval. During the pandemic when there are less jobs, he believes it is important to employ people and open businesses.

Viet Nguyen, appeared via Zoom Video Communications. He had no comments.

Proponents:

No one came forward in support.

Opponents:

1. **Jayne Sebby, 320 S. 29th Street, Lincoln, NE** is with the Woods Park Association. She pointed out that in an hour drive yesterday from 'A' Street to Vine Street, 33rd Street to 20th Street, she found five or six stores that sell alcohol and five that sell vaping products, cigarettes and CBD. She agrees that the neighborhood is starting to look blighted. They won't screen potential tenants. Driving around, she can't think of any other part of Lincoln that is that saturated with alcohol sales and vaping sales like this is. She objects due to the grounds that there are already many places to get these products. She knows that there is a storefront down the road that is closed. She anticipates that most of these businesses will go out of business in the near future. She pointed out the residences and childcare in the area. CenterPointe is across the street. There are a lot of halfway houses in the neighborhood. There is transitional housing in the area. There is no regulation that exists to protect the facilities we used to protect. Elliott Elementary and Lincoln High School are in the area. There are businesses that are well established and follow the regulations. This location has a transient hotel within walking distance. This is not a good location to place alcohol sales.

Staff Questions:

Edgerton asked about the special permit process and how it pertains to a liquor license in terms of evaluating the number of businesses in a particular area. She wondered how that is reviewed. Will responded that there is no limit or criteria for concentration. The standards were designed to maintain the separation. That was the inherent protection. 27th St. and 'O' St. has commercial zoning all over the place. You are bound to find more concentration of businesses in this area. There is no limit to the number of liquor licenses in this area.

Edgerton inquired how close this is to the residential area. Will believes there is some R-6 zoning to the south. He pointed out the licensed premise that needs to maintain the 100-foot separation to the protected uses. The R-6 is a few hundred feet away.

Corr noted that the apartments on S. 27th Street were pointed out. Will stated that this property meets the 100-foot separation requirement. Staff gets these inquiries all the time. The first thing we do is measure the distance and let the applicant know if the property doesn't meet the criteria. If you fail the 100-foot rule, you can't even apply for a special permit. If you meet the criteria, there is no basis for denial.

Applicant Rebuttal:

Glasz believes it is clear the applicant meets their burden. With respect to the community, he didn't hear any causal connection to a liquor store, a tobacco store and the neighborhood not thriving. He doesn't believe this business will depreciate the neighborhood.

Campbell moved to close the public hearing, seconded by Joy and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

SPECIAL PERMIT 21055

ACTION BY PLANNING COMMISSION:

January 5, 2022

Campbell moved conditional approval, seconded Rodenburg.

Campbell believes it comes down to the applicant has met all the requirements of the special permit. The number of businesses in the area is a capitalism issue. Those that perform well will survive. He sees no reason to deny this.

Corr agrees. She appreciates the neighbor's concerns but, as the regulations are written for this special permit process, that is outside the purview of the Planning Commission.

Edgerton agrees with fellow Commissioners. This is a zoning issue. From that perspective, it is in compliance with the special permit.

Motion for conditional approval carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

Note: This is Final Action on Special Permit 21055 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

SPECIAL PERMIT 21053

TO ALLOW FOR A RESIDENTIAL HEALTHCARE FACILITY FOR UP TO 6 PERSONS, ON PROPERTY GENERALLY LOCATED AT 8421 PINEDALE COURT

PUBLIC HEARING:

JANUARY 5, 2022

Members present: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Ball absent.

Staff Recommendation: Conditional Approval

There was an ex-parte communication disclosed. Rodenburg received a phone call from a neighbor. He informed her about the procedures to come before Planning Commission and testify. He told her the application could also be appealed to the City Council.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Steve Henrichsen, 555 S. 10th Street, Lincoln, NE introduced Ben Callahan who is new to the Planning Dept. and will handle the southwest area. Today is his first appearance before Planning Commission. He is a UNL (University of Nebraska) graduate and former Historic Preservation intern for the Planning Dept.

Ben Callahan, 555 S. 10th Street, Lincoln, NE stated that this is for a special permit for a residential health care facility. It is an existing single-family home. It abuts agricultural zoning to the south and residential around it. The occupancy is based on the lot size. This lot would allow four residents. The applicant is allowed to request an increase for a maximum of six occupants. There can be no more than three employees on the site. The setback allows for two more parking spots. At the time of application, the applicant stated they wanted to run a memory care facility for up to six individuals.

Corr thinks there is some confusion if this special permit is approved--she understands that special permits go with the owner of the house. If a new owner wanted a similar facility, they would have to re-apply. She asked if that was correct. Callahan stated that a special permit carries with the land. Corr believes it would only be for the same type of facility. Callahan replied yes, with a maximum of six residents.

Corr believes that more than 15 residents would need a different special permit. Callahan stated she was correct. There is a separation requirement that must be met to be a group home.

Rodenburg inquired if these go before the Building and Safety Dept. to get approved. Callahan stated they would still have to meet Building and Safety standards. A larger home could apply for a group home.

Edgerton pointed out that is all separate from the DHHS (Dept. of Health and Human Services) regulations that must be met.

Applicant:

Chris Gille, 3100 N. 100th Street, Omaha, NE has been building businesses for over 25 years. He lived in Lincoln throughout the 1990's. He has gotten to a point where he wants to start investing in returns to investing in impact. He has a sister who has been in the senior care industry. Over the last two years, they have been working on this project. The reality is that in today's environment, there are two choices--stay at home and it costs a lot of money for in home health care or move them into what is typically a larger institution-type living. There is a concept that has been growing over the last years and that is residential assisted living. There are over 30,000 homes in the U.S. now according to the Residential Assisted Living Association. He doesn't know of anyone in Lincoln who is doing this yet. He has been a business leader for over 25 years. He knows how to hire and work with regulations. His sister has been a nurse for twenty plus years.

They have been consistent and diligent to make sure this one is done right and done well. They have invested in training. They have joined networks of people who are doing this in a positive manner. They feel this home and location is a strong fit for the community. They have had to make some difficult decisions. This is a custom-built home with accessible features. It has an elevator. He feels there is an unmet and underserved need in the community. This isn't a scale issue but it creates options to fill the gap. He would like to be one of the first to fill this need.

Corr stated that when she was looking at the house on the assessor site, it only noted two bedrooms. She asked if the bedrooms will be shared. Gilley stated there are four bedrooms, two on the lower level and two on the upper level. The idea is that two of those would be shared. They have to go through the licensing with the State and make sure the requirements are met. Corr asked if the bedrooms in the basement are legal bedrooms. Gilley replied yes.

Corr mentioned this would be the first of its kind in Lincoln. She inquired if there are any in Omaha. Gilley believes there are a few, yes. His sister has toured a few of those and spoken with them.

Rodenburg stated there was a concern in written testimony regarding liability. What if a resident wanders off and injures themselves on someone else's property? Gilley stated they will have an access control system to make sure someone doesn't leave. They are also looking at bracelet technology. They are looking to put a fence in the back yard. All exits will be protected. Two staff will be there at all times. The ratio for staff and residents in this environment is much stronger than a regular assisted living.

Eddins noted another concern was parking. We hope these folks get visitors so more parking would be needed. She believes the applicant will be adding two stalls. Gilley replied yes. They are required to add two additional spots. The design is for side-by-side spots.

Proponents:

1. **Katie Hartman 7800 N. 134th St. Waverly, NE** is the sister of the applicant. She wanted to state that this is coming from compassion to take care of people. They have met with multiple people who place elderly people in homes and they are excited that this will bring an opportunity to Lincoln that we currently don't have. As much as we all want to stay in our homes but can't, this allows someone to stay in a home in a neighborhood. The idea is to involve the community. A lot of people grow up not knowing an elderly person or their grandparents. We don't want to be a business that takes over a neighborhood. We want to work with the neighbors. She also wanted to mention that the staff will be parking in the garage. The added parking will be for visitors. She will be there the majority of the time so she will be the third staff person in addition to the two that will be there all the time.

Opponents:

1. **Carol Clouse, 8411 Pinedale Avenue, Lincoln, NE** noted that her home is next door to this. She is opposed for many reasons. It appears that if a permit is required to operate a business, that permit is required for a reason. The impact on the neighborhood must be considered. If the impact of a group home was totally positive, there would be no special permit required. Her husband and her built their home in 1978. Her family knows this as a family friendly neighborhood. Many children walk to school and traffic down the street is limited. It is her belief that having a business in the neighborhood will change things and not in a good way. A business with no proven track record will lead to more businesses. Residential healthcare facility means a structure to be used as a residential nature licensed by the State. It could include assisted living, nursing care, memory care, group home and many include independent living units. While all requirements have been met, the impact on the five homeowners in this area is not slight or insignificant. It seems logical that the values will be decreased in the neighborhood. She asked for denial of the special permit.
2. **Charles Clouse, 8411 Pinedale, Lincoln, NE** lives next door as well. This special permit creates a group home in the neighborhood. We are a small neighborhood. This will allow Harbor Senior Care to establish a senior living facility. There isn't much regulation to what a senior home can become. It could become a drug rehabilitation facility. Their venture is not a charity. Harbor Senior Care doesn't have a track record with this. This is their first facility. He believes that will hurt the neighborhood. It is a different investment when you are a homeowner versus a business owner. The business owner will not live in this home. A new homeowner will have to disclose that they are next to a group home. This will be a disadvantage pricewise. That is not a positive impact. He asked for Commissioners to consider whether they would want this next to them. In the future, this could become totally different than what it is today.

Staff Questions:

Corr stated that as she reads this the applicant needs four parking spaces--two are in the garage and two are in the driveway. She believes they wouldn't have to add any additional parking. Callahan replied that was correct.

Corr stated that site specific condition 1.1 from the staff report dated December 22, 2021, states the proposed landscape screening must be along the north and west sides. She believes this should say north and east. Callahan replied she was correct.

Egerton understands there will be no other physical changes to the house. Callahan replied, yes to his knowledge.

Applicant Rebuttal:

Gilley understands that anytime there is something new, there is hesitation. They feel passionate about bringing this into Lincoln. He closes on this house on Friday. He understands people are concerned with more traffic in the area. He has seven children. A lot of them drive. They have a pool and when friends come over, there can be a lot of cars in the neighborhood. It is not just a business that can generate a lot of cars and traffic. Their intention is to run this as a home, not a business. He has been involved in a lot of discussions with the Planning Dept. He understands the fear about any possible loophole for what this could become in the future. He wants to do this right. He is not in this for the money. If there is any way to limit his ability to sell this outside the proposed use or revert to a single-family home, he would do that.

Edgerton inquired if the special permit is approved, what the process is after that. Gilley answered that there are some requirements from Building and Safety that need to be met; fire suppression, other building codes. They will also move forward with the licensing process with DHHS. Their intention has been to be operating hopefully in April 2022.

Corr doesn't think anyone will know there is a facility in here. Driving by, it will look like just another home. Gilley believes that is fair to say. The residents will be home bound and not drive vehicles. There won't be any signage. It will look like any other house in the neighborhood.

Rodenburg noted that the applicant is willing to restrict the use to what is being proposed. When he purchased the Walton Trail Company which was formerly Willie's Tavern, the neighbor was only willing to sell to him if there was a deed restriction that alcohol couldn't be sold. He asked if it would be possible to place a deed restriction on this. Henrichsen would recommend this be limited to any particular subset of a healthcare facility. Hospice or memory care is the activity that happens inside. That is not under this Commission's review. Parking requirements would be the consideration. Staff would not recommend any further revisions.

Tim Sieh, Assistant City Attorney, 555 S. 10th Street, Lincoln, NE agreed with Henrichsen. This is for a residential healthcare facility. Deed restrictions would be outside the City's authority to impose. That would be part of the sale. The City can't enforce that.

Cruz stated that in terms of zoning, we are talking four to six residents unless you were able to transform the physical house to increase space. The likelihood of this residential space becoming a group home for 15 youth is unlikely from a practical standpoint. Given that this is a residential living facility for seniors, it is not likely there will be a lot of traffic disruption. People will visit. That is no different than a neighbor visiting a neighbor.

Henrichsen clarified that this special permit continues with the land. If someone doesn't want to use this special permit, there is the ability to rescind the special permit. A new owner could apply to become a group home facility as long as it meets the separation requirements.

Gilley understands the number of people in the home is based on the external square footage of the property. This property can't have more than six.

Campbell moved to close the public hearing, seconded by Corr and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

SPECIAL PERMIT 21053

ACTION BY PLANNING COMMISSION:

January 5, 2022

Campbell moved conditional approval with correction to site specific condition 1.1, seconded by Corr.

- 1.1 Provide a continuous landscape screening at a minimum height of 3-feet along the north and ~~west~~ east sides of the parking area to limit visibility and potential headlight glare to the neighboring properties. The proposed landscape screen shall meet the requirements set forth in Section 4 of Chapter 3.50 of the Design Standards.

Campbell thinks this is a very legitimate use. This will not be a party house. He had a mother with Alzheimer's. He knows there is a need for this kind of facility.

Corr will support this. We desperately need these type of facilities everywhere. The question was asked if she would like this if it was next to her house. The answer is yes. There are more protections than with a normal neighbor. She thinks they will be great neighbors. She supports this and thinks it will be a great project.

Cruz is a psychologist by training and spends a lot of time with people with neurological issues. The key is to provide a home. It absolutely improves a quality of life. She believes this adds to the diversity and helps keep the residents close by.

Eddins was a foster parent for many years. There were many cars and parking issues. That is part of living in a neighborhood. She is excited to approve this.

Motion for conditional approval carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

Note: This is Final Action on Special Permit 21053 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 21009

TO ANNEX APPROXIMATELY 13.59 ACRES, MORE OR LESS, ON PROPERTY GENERALL LOCATED AT SOUTH FOLSOM STREET AND WEST OLD CHENEY ROAD

AND

CHANGE OF ZONE 21051

FROM AG (AGRICULTURAL DISTRICT) TO R-4 (RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST OLD CHENEY ROAD

AND

SPECIAL PERMIT 21050

TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) FOR UP TO 128 DWELLING UNITS, WITH ASSOCIATED WAIVERS TO SETBACK REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST OLD CHENEY ROAD

PUBLIC HEARING:

January 5, 2022

Members present: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost; Ball absent.

<u>Staff Recommendation:</u>	Annexation 21009	Conditional Approval
	Change of Zone 21051	Conditional Approval
	Special Permit 21050	Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Brian Will, 555 S. 10th Street, Lincoln, NE thinks that perhaps these items could have been on the Consent Agenda. They were anticipating some opposition. He hasn't seen any. The applicant is Lincoln Housing Authority. The site is approximately 3.5 acres and zoned agricultural. Staff is recommending approval. This lies inside the future service limit. It is Tier I, Priority B. The property immediately adjacent to the south has already been annexed. This is contiguous to the City limit. All City utilities are in the area and available. The full range of City services can be provided. It meets the City annexation policy. The change of zone from AG to R-4 will allow for the special permit for CUP (Community Unit Plan). He pointed out the future land use map shows this area as future urban residential. The proposed R-4 is consistent with that and allows a range of uses. He showed the conceptual site plan. The applicant is asking that these applications be allowed to go through the process and at a later date they will provide more site detail for the CUP. This is for 128 dwelling units. 104 are multi family, the remainder are attached single family. They have had discussions regarding the access points onto W. Folsom Rd. and W. Old Cheney Rd. There isn't much disagreement on the internal layout. Because the applicant has submitted a conceptual plan and are asking for an overview approval with detail to be approved administratively at a later date, they would ask for the detail on the plan to be deleted now. They

want the density calculation and number of units allowed to be showed. He would note the access onto W. Old Cheney Rd. requires a separate approval of a deviation request. One waiver adjusted internal setbacks to zero. Staff is supporting that. The applicant has requested a setback waiver on the west property line to 15 feet. The City Attorney believes that Planning Commission should deny that. Staff is recommending denial of that waiver request. Should the applicant decide they need that at a later date, they are not precluded to coming back and requesting a waiver. He submitted a memo dated January 5, 2022, that proposes two revisions to the conditions:

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 128 dwelling units with an adjustment to internal setbacks to 0' ~~and the rear setback to 15'~~ subject to further review of the lot layout as part of the future administrative amendment.

2.1.4 Add a waiver table with ~~two~~ one notes: 1 – Internal setbacks are adjusted to 0' but specific locations subject to approval as part of the administrative amendment approving the site plan; ~~2—The rear setback along the west line is adjusted to 15' subject to concurrence from the property owner to the west.~~

Campbell asked about the distance on the west side to the property line. Will doesn't know, but it is more than fifteen feet. It appears to be closer to 30 feet. Campbell thinks if they stick to the preliminary plan, the waiver wouldn't be necessary.

Corr noted the Housing Authority contemplates separation. Do they mean lots? Will believes that a final plat will eventually be coming. The applicant can confirm that.

Applicant:

Tom Huston, 233 S. 13th Street, Suite 1900, Lincoln, NE appeared on behalf of the Lincoln Housing Authority. He noted that Chris Lamberty and Thomas Judge with the Lincoln Housing Authority were present, along with Rob Duvall from Schemmer Associates. He doesn't really disagree with City staff. The Lincoln Housing Authority (LHA) has a history of developing housing. They have built Woodbridge, Summer Hill and Prairie Crossing. They have been looking for another site for a while. The area of southwest Lincoln is designated as a growth area. LHA envisions an application for low-income housing credits will be done this year. He agrees with staff that clearly this site is capable of being annexed. The water main is close, sanitary sewer is available and housing is to the south. The annexation agreement is pretty simple. He believes they can meet that condition. The zone will need to be changed, but the new Comprehensive Plan shows this as urban residential. The issue is the special permit. The staff report requires LHA to remove the detail from the conceptual site plan. It addresses access points. They have moved the access on Old Cheney Rd. further to the west to avoid any conflict with a future roundabout. He believes there is support for that. This generic plan shows the density. 190 units would be permitted. They are only asking for 128. Developing in one action would be more efficient, but

that isn't always possible. They are trying to comply with federal, state and local regulations. This will be a mixture of townhomes and apartments. We clearly meet the CUP requirements for density. We think the patios might need to be covered due to the sun exposure. He believes that is an issue they can deal with down the road. This is a great development.

Campbell would like the applicant to explain why this is not a rectangle. There is a curve on the northwest. Huston believes that is primarily based on the road. There is the possibility of an elementary school to the north. They had a vision of how the street system would operate.

Corr had questions on the timing deadlines. Huston stated the application will be for the first 64 units. Hopefully, the 2023 cycle can accommodate more units. March 2022 is the application deadline. There is a very competitive process for low-income housing tax credits.

Proponents:

No one came forward in support.

Neutral:

1. **Laurie Brunner, 5005 S. Folsom Street, Lincoln, NE** is one of the neighbors. She wanted to thank the LHA for having a neighborhood meeting. They answered a lot of questions. She commented that they have done a beautiful job of landscaping along S. Folsom. She appreciates she will be looking at all those trees. Her main questions is that part of the annexation states the right-of-way on Folsom St. will be annexed. She asked if this will be just the west side or both sides of the right-of-way. There is a sidewalk and bike lane on the west side of Folsom St. If the traffic will be as high as anticipated, will the road be widened? Will there be a bike lane on both sides? This is a lovely design and she looks forward to having quiet neighbors.

Corr asked if Brunner was now inside City limits. Brunner replied yes. She understands the subdivision to the south of this will be annexed. She pointed out the outline of the school property. She understands developers have contacted regarding the landowners in the area and that it is a matter of time.

Opponents:

No one came forward in opposition.

Staff Questions:

Corr asked about the right-of-way S. Folsom. She inquired if we would annex all adjacent right-of-way by State law. She also wondered about the bike lane. Will stated that a bike trail is planned on the west side of S. Folsom Street due to his last conversation with Parks and Recreation. Corr asked about any future expansion of S. Folsom. Will stated that eventually, S. Folsom will be improved to some form of arterial street. The status of Old Cheney Rd. is still in the air. He

believes it is shown as an arterial street in the Access Management Plan of the Comprehensive Plan.

Applicant Rebuttal:

The applicant declined a rebuttal.

Campbell moved to close the public hearing, seconded by Joy and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

ANNEXATION 21009

ACTION BY PLANNING COMMISSION:

January 5, 2022

Campbell moved conditional approval, seconded by Joy.

Ryman Yost is excited to be approving this. These are quality facilities and have a long waiting list. Anything we can do to create more quality affordable housing is good. She is thrilled to support all of these applications.

Campbell noted that having two of the properties mentioned close to him, he agrees. They blend right in and are built for long term success. He agrees that most of the community doesn't even realize these are low-income housing.

Corr thinks this is appropriate for annexation and the change of zone is in line. She is not typically a big fan of approving the special permit before there is the detail. She understands why it is necessary. The applicant's track record alleviates some of her concerns.

Edgerton agrees the track record of the applicant has a lot to do with her support.

Motion for conditional approval carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

CHANGE OF ZONE 21051

ACTION BY PLANNING COMMISSION:

January 5, 2022

Campbell moved conditional approval, seconded by Joy and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

SPECIAL PERMIT 21050

ACTION BY PLANNING COMMISSION:

January 5, 2022

Campbell moved conditional approval as revised by Planning staff in memo dated January 5, 2021, seconded by Joy and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

Note: This is Final Action on Special Permit 21050 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Corr moved to adjourn the Planning Commission meeting of January 5, 2022, seconded by Campbell and carried 8-0: Campbell, Corr, Cruz, Eddins, Edgerton, Joy, Rodenburg and Ryman Yost voting 'yes'; Ball absent.

There being no further business, the meeting was adjourned at 2:48 p.m.